CMPMO No.381 of 2004.

6.3.2007. Present: Mr. Dalip Sharma, Advocate, for the petitioners.

Mr. Ajay Kumar, Advocate, for respondent No.1.

After hearing the learned counsel for the parties at a great length and on going through the impugned order, I feel convinced that the learned Court below rightly rejected the application filed by the petitioners under Order 1 Rule 10 of the Code of Civil Procedure for impleadment because the petitioners were neither necessary nor proper parties in the suit. Vide the impugned order, the application filed by a third person, namely, P.K. Samanta was allowed because undoubtedly P.K.Samanta had succeeded Anand Chandu Lal, who during the pendency of the suit had ceased to be the Bishop of CNI. P.K. Samanta had succeeded Anand Chandu Lal as Bishop of CNI and, therefore, the learned Court below rightly substituted him as a defendant. In so far as petitioners No.1 and 2 are concerned merely because they were functioning as Superintendent, Leprosy Hospital and Medical Consultant respectively, did not make them necessary or proper parties in the suit

especially when no relief against them was claimed by the plaintiffs.

The petition is dismissed.

CMP No.578 of 2004.

In view of the dismissal of the main petition, this application is dismissed. Interim order passed on 26th October, 2004 shall stand vacated.

6th March, 2007. (V.K. Gupta), C.J.
(tr)